

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1341

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AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 22-8-1.1-27.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27.1. (a) The commissioner may assess the following civil penalties:

- (1) Any employer who has received a safety order for violation of any standard, rule, or order not of a serious nature may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each such violation.
- (2) Any employer who has received a safety order for a serious violation of any standard, rule, or order or this chapter may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each such violation.
- (3) Any employer who fails to correct a violation for which a safety order has been issued within the period permitted may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each day during which the failure or violation continues.
- (4) Any employer who fails to comply with the posting requirements in this chapter may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each violation.
- (5) Any employer who repeatedly violates any standard, rule, or order or this chapter may be assessed a civil penalty of up to seventy thousand dollars (\$70,000) for each violation.
- (6) Any employer who knowingly violates any standard, rule, or

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order or this chapter, **where any such violation cannot reasonably be determined to have contributed to an employee fatality**, shall be assessed a civil penalty of not less than five thousand dollars (\$5,000) for each violation and may be assessed a civil penalty of up to seventy thousand dollars (\$70,000) for each violation.

**(7) An employer who knowingly violates any standard, rule, or order or this chapter, where any such violation can reasonably be determined to have contributed to an employee fatality, shall be assessed a civil penalty of not less than nine thousand four hundred seventy-two dollars (\$9,472) for each violation and may be assessed a civil penalty of up to one hundred thirty-two thousand five hundred ninety-eight dollars (\$132,598) for each violation.**

(b) For purposes of this section, a serious violation exists in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists or from one (1) or more practices, means, methods, operations, or processes which have been adopted or are in use in the place of employment, unless the employer did not know and could not, with the exercise of reasonable diligence, have known of the presence of the violation.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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